

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 L-03 HA-05 SY-05 CIAE-00 DODE-00  
PM-05 H-01 INR-10 NSAE-00 NSC-05 PA-01 SP-02  
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R 191524Z JUN 78  
FM AMCONSUL STUTTGART  
TO SECSTATE WASHDC 4419  
AMEMBASSY BONN  
INFO USMISSION USBERLIN  
AMCONSUL BREMEN  
AMCONSUL DUSSELDORF  
AMCONSUL FRANKFURT  
AMCONSUL HAMBURG  
AMCONSUL MUNICH  
USCINCEUR VAIHINGEN GE  
CINCUSAREUR HEIDELBERG GE

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USCINCEUR AND CINCUSAREUR FOR POLADS

E.O. 11652: N/A  
TAGS: PINT, GW  
SUBJECT: THE FILBINGER AFFAIR

REF: A) STUTTGART 1146, B) STUTTGART 007, C) STUTTGART 1070

1. SUMMARY. FILBINGER ADVISER TELLS US EFFORT IS NOW  
BEING MADE TO SETTLE FILBINGER LAWSUIT OUT OF COURT.  
ONE THOUSAND PERSONS HELD PEACEFUL DEMONSTRATION IN  
STUTTGART JUNE 16 ASKING FOR FILBINGER'S OUSTER.  
END SUMMARY.

2. STATE SECRETARY MAYER-VORFELDER, ONE OF MINISTER-  
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PRESIDENT FILBINGER'S CLOSEST ADVISERS AT THE STAATS-  
MINISTERIUM, TOLD US ON JUNE 16 THAT POSSIBILITIES OF  
AN OUT-OF-COURT SETTLEMENT WERE NOW BEING EXPLORED IN  
FILBINGER'S LAWSUIT AGAINST AUTHOR ROLF HOCHHUTH AND  
DIE ZEIT. MAYER-VORFELDER HOPED THAT A SETTLEMENT COULD  
BE REACHED TO ELIMINATE NEED FOR FURTHER COURT HEARINGS,  
WHICH ARE NOW SCHEDULED TO RESUME ON JULY 13 (REF A).

3. ON THE BACKGROUND OF THE AFFAIR, MAYER-VORFELDER SAID THAT FILBINGER HAD INITIATED THE LAWSUIT ENTIRELY ON HIS OWN AND HIS STAFF FIRST LEARNED OF IT ONLY SEVERAL WEEKS LATER WHEN THE COURT CALENDAR WAS ANNOUNCED. FILBINGER, SAID MAYER-VORFELDER, HAD BROUGHT SUIT AGAINST DER SPIEGEL IN 1972 OVER THE PETZOLD CASE (THE SOLDIER SENTENCED BY FILBINGER AFTER THE WAR IN A BRITISH POW CAMP FOR INSUBORDINATION), BUT THE EXPERIENCE HAD BEEN SO HARROWING THAT AT THE STAATSMINISTERIUM IT HAD BEEN AGREED: "NO MORE LAWSUITS." UNFORTUNATELY, HOWEVER, FILBINGER HAD LET HIMSELF BE CARRIED AWAY IN HIS REACTION TO THE HOCHHUTH/DIE ZEIT ARTICLE. MAYER-VORFELDER SAID HE HAD TOLD FILBINGER THAT THE BEST WAY OF REACTING TO THE HOCHHUTH ARTICLE WOULD HAVE BEEN A SHORT, DISDAINFUL LETTER TO THE EDITOR OF DIE ZEIT SAYING HE WAS PLEASED TO FIND HIMSELF IN THE GOOD COMPANY OF CHURCHILL AND THE POPE AS TARGET FOR HOCHHUTH'S SCURRILOUS ATTACKS. THE WHOLE BUSINESS WOULD PROBABLY HAVE ENDED THERE. AS TO THE REASON FOR CONTINUATION OF THE LAWSUIT (REF A), MAYER-VORFELDER REMARKED INDIGNANTLY THAT THIS WAS THE COURT'S FAULT FOR HAVING STRESSED THAT IF THE INTERIM INJUNCTION WENT UNCONTESTED HOCHHUTH WOULD BE FREE TO CONTINUE SAYING THAT FILBINGER HAD BEEN A "TERRIBLE LAWYER." (COMMENT: THE FACT THAT FILBINGER ALONE IS RESPONSIBLE FOR THE LAWSUIT AND THE STORM OF CONTROVERSY IT HAS LIMITED OFFICIAL USE

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BROUGHT DOWN UPON HIM DOES NOT SPEAK ESPECIALLY WELL FOR HIS POLITICAL ACUMEN. IT IS ALSO SURPRISING THAT FILBINGER IS SO THIN-SKINNED AT BEING CALLED A "TERRIBLE LAWYER"; ONE WOULD THINK THAT BY NOW POLITICS HAD HARDENED HIM TO BRUSH OFF WORSE EPITHETS THAN THAT. STICKS AND STONES WILL BREAK MY BONES, ETC.)

4. THAT SAME DAY, JUNE 16, AN ESTIMATED ONE THOUSAND PERSONS GATHERED IN STUTTGART FOR ANOTHER PUBLIC DEMONSTRATION AIMED AT FORCING FILBINGER'S RESIGNATION. THE DEMONSTRATION WAS ORGANIZED BY THE GERMAN PEACE ASSOCIATION AND SPONSORS INCLUDED THE ASSOCIATION OF PERSECUTEES OF THE NAZI REGIME, YOUNG DEMOCRATS, YOUNG SOCIALISTS, THE GERMAN COMMUNIST PARTY, AND A FEW OTHER GROUPS FROM THE STUTTGART AREA. THE DEMONSTRATORS, LED BY PERSONS DRESSED IN CONCENTRATION CAMP GARB, MARCHED PEACEFULLY THROUGH THE CENTER OF STUTTGART. HANDBILLS CALLING ON FILBINGER TO STEP DOWN NOT ONLY CITED HIS ROLE IN THE GROEGER AND PETZOLD CASES AS WELL AS HIS STUDENT WRITINGS ON NAZI THEMES (REF B) BUT WENT ON TO CLAIM FILBINGER AND HIS GOVERNMENT WERE GUILTY OF UNDEMOCRATIC PRESSURE ON YOUTH ORGANIZATIONS, SPYING ON STRIKING WORKERS, LETTING BADEN-

WUERTTEMBERG BECOME THE "PLAYGROUND" OF RIGHT-WING  
RADICALS, ETC.

5. COMMENT: IT IS DIFFICULT TO DETERMINE WHAT IF ANY  
IMPACT THE JUNE 16 ANTI-FILBINGER DEMONSTRATION MAY HAVE  
HAD. WHILE IT CERTAINLY WAS FAR LARGER THAN THE FIRST  
SUCH DEMONSTRATION HELD TWO WEEKS EARLIER (REF C),  
THE DEMONSTRATORS DID NOT REPRESENT A BROAD  
CROSS-SECTION OF OPINION AND, IN FACT, THE PRESENCE OF  
SOME LEFTIST GROUPS COULD MAKE MORE CREDIBLE FILBINGER'S  
ALLEGATION THAT THE FAR LEFT WAS CLEARLY OUT TO GET HIM  
(REF B). TO THE EXTENT THAT THE MARCHERS, SUC-  
CUMBING NOW TO THE TEMPTATION ALSO TO INJECT PURELY  
POLITICAL SLOGANS INTO THE ANTI-FILBINGER CAMPAIGN,  
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SERVE TO MAKE THE LEFTIST BOGEYMAN ALL THE MORE REAL, THIS  
COULD HAVE THE EFFECT OF RALLYING THE CDU AND OTHER CON-  
SERVATIVE ELEMENTS INTO STRONGER SUPPORT OF FILBINGER.  
IT WILL BE INTERESTING TO SEE WHAT THE NEXT DEMONSTRATION  
BRINGS.  
MILLER

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## Message Attributes

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